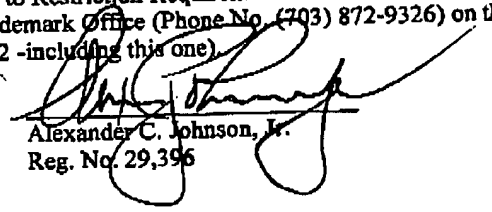


Certificate of Facsimile Transmission

I hereby certify that the attached Response to Restriction Requirement to Examiner Fischetti is being facsimile transmitted to the Patent and Trademark Office (Phone No. (703) 872-9326) on the date shown below. (Total pages transmitted is 2 -including this one).


Alexander C. Johnson, Jr.
Reg. No. 29,396

Date: 9 October 2002

PATENT APPLICATION
Attorney's Do. No. 8514-26 (ST-A22)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

NED HOFFMAN

Serial No. 09/441,107

Examiner Joseph A. Fischetti

Filed: November 16, 1999

Group Art Unit 3627

For: SYSTEM AND METHOD FOR TOKENLESS
BIOMETRIC ELECTRONIC SCRIP

Confirmation No. 3861

Box Non Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

FAX RECEIVED

OCT 09 2002

GROUP 3600

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the restriction requirement and species election set forth in the Action, Paper No. 8, dated 09/09/02, Applicant elects Group I, species i, with traverse. It is understood that claims 1, 2, 19 and 25 are deemed generic and will be examined along with the elected species claims 3-8, and that, if the generic claims and elected species claims are deemed allowable, the other so-called "species claims" depending from the generic claims will also be examined and allowed if deemed patentable.

Applicant objects to the designations of separate species as between the various subgroups identified in the Action. The subgroups of claims are not directed to different (as in alternative) embodiments but to different subcombinational features. For example, claims 9 and 12 are directed to different features added to the base combination of claim 1.

No authority is cited as the legal basis for species designation in this manner; nor is any factual basis cited identifying the subject matter of the different subgroups as truly different species. If this concept of restriction as to species is followed consistently, virtually every claim that adds a feature to an independent claim could be held subject to a restriction requirement in every case. This approach could lead, potentially, to applicants having to file many different divisional applications to cover all the features of an invention, if the generic claims were rejected.

Reconsideration is requested, and it is further requested that all claims in Group I be searched and examined.



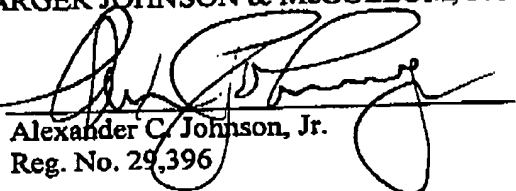
20575

PATENT TRADEMARK OFFICE

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

By


Alexander C. Johnson, Jr.
Reg. No. 29,396

1030 S.W. Morrison Street
Portland, Oregon 97205
Telephone: (503) 222-3613

cc: Rod Stambaugh

Official

FAX RECEIVED

OCT 09 2002

GROUP 3600